

## **Chapter 27.09**

### **AGR AGRICULTURAL RESIDENTIAL DISTRICT**

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This district is intended to provide for a vigorous agricultural industry combined with low-density, acreage residential development in selected portions of the county. Generally, these districts are located near urban areas, villages, or existing rural non-farm activities within reasonable reach of fire protection, relatively close to paved roads, and in areas of the county where ownership of land is already in small parcels.

#### **27.09.010 Scope of Regulations .**

The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the AGR Agricultural Residential District. (Ord. 12571 §85; May 8, 1979).

#### **27.09.020 Permitted Uses.**

A building or premises shall be permitted to be used for the following purposes in the AGR Agricultural Residential District:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Dog-breeding establishments and kennels;
- (c) Stables and riding academies;
- (d) Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems; and airports;
- (e) Churches;
- (f) Single-family dwellings. (Ord. 12571 §86; May 8, 1979).

#### **27.09.030 Permitted Conditional Uses.**

A building or premises may be used for the following purpose in the AGR Agricultural Residential District in conformance with the conditions prescribed herein:

- (a) Cemeteries, including mausoleums:

- (1) Mausoleums shall be located at least 200 feet from every street line and adjoining property line;
- (2) Any cemetery established after the effective date of this title shall contain an area of twenty acres or more;
  - (b) Pet cemeteries: Minimum area shall be five acres;
  - (c) Roadside stands for the temporary or seasonal sale of produce;
    - (1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a traveled roadway;
    - (2) Such roadside stand shall not be operated for more than 180 days in any one year.
  - (d) Group homes:
    - (1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;
    - (2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;
    - (3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
  - (e) Wind energy conversion system, provided they meet the following conditions:
    - (1) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table. Intermediate rotor size distances shall be interpolated. The City Council may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.

#### **WECS SETBACK TABLE**

<b>Rotor Diameter in Feet</b>	<b>Setback Distance</b>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

- (2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor. The City Council may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

(3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

(4) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.

(5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.

(f) Greenhouses:

(1) The minimum lot area shall be two acres;

(2) All materials shall be stored inside buildings;

(3) Not more than twenty-five percent of the land may be devoted to such use;

(4) Greenhouses shall comply with the same setback requirements as are applicable to main buildings;

(5) One parking space shall be provided for each employee on the maximum shift.

(g) Early childhood care facilities in churches:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(h) Early childhood care facilities with a maximum of fifteen children present at any time:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities shall be used as the permanent residence of the licensed child care provider;

(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.

- (i) Domestic Shelter:
  - (1) Parking shall be in conformance with Chapter 27.67;
  - (2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area;
  - (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile. (Ord. 17104 §2; December 2, 1996: prior Ord. 16854 §4; August 14, 1995: Ord. 15751 §1; October 15, 1990: Ord. 13982A §2; November 12, 1984: Ord. 13487 §3; November 1, 1982: Ord. 12571 §87; May 8, 1979).

#### **27.09.040 Permitted Special Uses.**

A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Private schools;
- (b) Recreational facilities;
- (c) Dwellings for members of religious orders;
- (d) Broadcast towers;
- (e) Campgrounds;
- (f) Veterinary facilities;
- (g) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- (h) Garden centers;
- (i) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- (j) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (k) Community unit plans shall be permitted in conformance with the provisions of Chapter 27.65;
- (l) Expansion of nonconforming uses;
- (m) Historic preservation;
- (n) Public utility purposes;
- (o) Private landing strips and appurtenances;
- (p) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.09.030.;
- (q) Clubs;
- (r) Dwelling units for domestic employees in accessory buildings. (Ord. 16854 §5; August 14, 1995: prior Ord. 16673 §4; September 26, 1994: Ord. 16088 §2; March 23, 1992: Ord. 15763 §2; October 29, 1990: Ord. 15368 §2; December 18, 1989: Ord. 14780 §2; November 2, 1987: Ord. 14773 §2; October 19, 1987: Ord. 13588 §2; May 9, 1983: Ord. 13487 §4; November 1, 1982: Ord. 12978 §2; August 25, 1980: Ord. 12894 §2; April 7, 1980: Ord. 12571 §88; May 8, 1979).

**27.09.050 Accessory Uses.**

Accessory uses permitted in the AGR Agricultural Residential District are accessory buildings and uses customarily incident to any of the permitted uses in the district. (Ord. 12571 §89; May 8, 1979).

**27.09.060 Parking Regulations.**

All parking within the AGR Agricultural Residential District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §90; May 8, 1979).

**27.09.070 Sign Regulations.**

Signs within the AGR Agricultural Residential District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §91; May 8, 1979).

**27.09.075 Grading and Land Disturbance Regulations.**

Grading and land disturbance within the AGR Agricultural Residential District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §2; February 22, 2000.)

**27.09.080 Height and Area Regulations.**

The maximum height and minimum lot requirements within the AGR Agricultural Residential District shall be as follows:

- (a) General requirements:

Table 27.09.080(a)							
	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	3 acres	220'	175'***	50'*	15'	Lesser of 50' or 20% of depth	35'
* The sum of (1) the distance from the centerline of the abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced where necessary to reach this total.							
** For lots abutting cul-de-sacs, this requirement may be met by providing a frontage of 175 feet measured at the required front yard line.							

- (b) There shall be a required front yard on each street side of a double frontage lot;
- (c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five

feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Where a lot of record on November 2, 1953, has a width of 100 feet or less, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.

(e) If a lot or tract has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such parcel may be used in the following manner:

(1) Agriculture, except confined feeding facilities for livestock or poultry;  
(2) Public use including but not limited to public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools, and public utilities and utility distribution systems;

(3) Churches;

(4) A single-family dwelling.

(f) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to the side or rear lot line.

(g) If a lot has less area, width or frontage or any combination thereof than required under subsection (a) of this section, and on January 16, 1989, if the area of the lot was one acre or more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot may be used for:

(1) Agriculture, except confined feeding facilities for livestock or poultry;

(2) Dog-breeding establishments and kennels;

(3) Stables and riding academies;

(4) Public uses; and publicly owned and operated uses including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools; and public utilities and utility distribution systems; and airports;

(5) Churches;

(6) A single-family dwelling. (Ord. 16388 §1; June 14, 1993: prior Ord. 15208 §1; June 26, 1989: Ord. 15092 §2; January 16, 1989: Ord. 13242 §2; November 2, 1981: Ord. 13222 §1; October 12, 1981: Ord. 12571 §92; May 8, 1979).